

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

NOV 20 2014
TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

Eric D. Ayers
Huttonsville Correction Center
Post Office Box 1
Huttonsville, WV 26273

(Enter above the full name of the plaintiff
or plaintiffs in this action).

0002972788
(DOC# 59075)

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 2:14-cv-28753
(Number to be assigned by Court)

Corporal Singleton
Sergeant Terry
Lieutenant Benian
Counselor Osborne
SRT Officers
South Central Regional Jail
1001 Centre Way
Charleston, WV 25309

(Enter above the full name of the defendant
or defendants in this action)

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TERESA L. DEPPNER, CLERK
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COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____ No ✓

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county);

3. Docket Number: _____

4. Name of judge to whom case was assigned:

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: Corporal Singleton
 is employed as: Corporal
 at South Central Regional Jail

D. Additional defendants: Sergeant Terry, Lieutenant Benson,
Counselor Osborne, and SRT Officers

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On April 18, 2014, the Plaintiff was confined at South
Central Regional Jail on B-3-Pod. The Plaintiff was locked
in his cell. Suddenly and Unexpectedly, several officers
including Lt. Benson, Sgt. Terry, SRT Officers, and Counselor
Osborne appeared at his cell door. The SRT Officers
then had the Plaintiff's cell door opened. The Plaintiff
was physically attacked and drugged out of the
cell by the SRT Officers. Corporal Singleton was

IV. Statement of Claim (continued):

one of the SRT officers. The Plaintiff was placed in a restraint chair and had his legs, feet, and arms strapped down to the restraint chair. Counselor Osborne held a camcorder video taping it. Then, Corporal Singleton started choking the Plaintiff by twisting his neck and torturing the Plaintiff by pushing a hard fist into the Plaintiff's neck. Lt. Benion, Sgt. Terry, and the other SRT officers all assisted each other in physically attacking and torturing the Plaintiff. The Plaintiff was seriously injured and physically harmed by this attack. The Plaintiff never resisted this attack and it was video taped by Counselor Osborne. The Plaintiff sustained serious physical

V. Relief

injuries and emotional distress, fright, and shock. The Plaintiff states

State briefly exactly what you want the court to do for you. Make no legal arguments.

Cite no cases or statutes.

that he was subjected to cruel and unusual punishment, torture, battery, assault, due process of law and equal protection of law violations, intentional infliction of mental and emotional distress by extreme and outrageous conduct, excessive use of force, and Title 42 Section 1983 violations by all the participating Defendants.

The Plaintiff sues all Defendants in their individual and official capacities. The Plaintiff prays for a trial by jury.

The Plaintiff seeks \$2,000,000.00 in compensatory damages and \$5,000,000.00 in punitive damages and \$5,000.00 in nominal damages against each Defendant.

V. Relief (continued) :

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

None

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____

No ☒

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons: _____

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____

No ☒

If so, state the lawyer's name and address:

Signed this 2th day of October, 2014.

x Eric D. Ayers 0002472788
Signature of Plaintiff or Plaintiffs (DOC# 59075)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 27, 2014
(Date)

x Eric D. Ayers 0002472788
Signature of Movant/Plaintiff (DOC# 59075)

Signature of Attorney
(if any)